

REMARKS

In view of the above amendments, and the following remarks, Applicant requests favorable reconsideration of the above-identified application.

Claims 1, 2 and 6 are now pending in this application, with Claim 1 being the sole independent claim. By this Amendment, Applicant has amended independent Claim 1, and added new dependent Claim 6.

As now recited in independent Claim 1, Applicant's invention is directed to an optical system which projects an image using a light generated from three monochromatic sources corresponding to three primary colors. The optical system has a diffractive optical element which includes a first layer, a second layer and a third layer, each of which has a relief-type grating. The diffractive optical element is set such that, at three wavelengths, the diffraction efficiency for diffractive light of a predetermined order is maximum, with the three wavelengths being substantially coincident with wavelengths of light generated by each of the three monochromatic light sources.

As indicated in the Advisory Action dated October 21, 2003, the claims remain rejected under 35 U.S.C. § 102 as being anticipated by European Patent Application No. 0 898 182 (Nakai). In addition to the arguments previously presented, Applicant submits that the Nakai application also fails to describe using a diffractive optical element for an optical system which projects an image using light generated by three monochromatic light sources corresponding to three primary colors. In addition, while that application states that photographic optical systems (e.g., cameras) and observation optical systems (e.g., binoculars) are examples which could include the diffractive optical element

described therein, the application does not suggest setting the diffractive optical element such that the wavelengths of the design wavelengths are in agreement with the wavelengths of the light source.

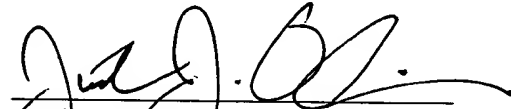
For these reasons, and the reasons set forth in the Amendment filed on September 15, 2003, Applicant submits that the Nakai application fails to disclose or suggest features recited in independent Claim 1.

Accordingly, Applicant requests withdrawal of the rejection under 35 U.S.C. § 102, and early passage to issue of this application.

The remaining claims each depend from independent Claim 1 discussed above. Applicant submits that those claims are patentable over the applied document for reasons noted above with respect to independent Claim 1, and for reciting features of the invention still further distinguishing over the applied document. Applicant requests favorable and independent consideration of the dependent claims.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



Justin J. Oliver
Attorney for Applicant
Registration No. 44,986

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

JJO/tmm